

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

## IN RE WELLBUTRIN SR/ZYBAN ANTITRUST LITIGATION

**Master File No. 02-CV-4398**

**THIS DOCUMENT RELATES TO:  
ALL ACTIONS**

### CASE MANAGEMENT ORDER NO. 3

**AND NOW**, this 6th day of November, 2002, after an initial conference regarding the above-captioned consolidated action, **IT IS HEREBY ORDERED:**

**1. Status Conference.** Counsel for all parties shall appear for a status conference on **February 5, 2003, at 11 a.m.**, in Courtroom 3-B, United States Courthouse, 601 Market Street, Philadelphia, PA 19106.

**2. Deadlines for Rule 12 Motion, Response, and Reply.** Defendants stated their intention to respond to Plaintiffs' Consolidated Class Complaint by filing a motion pursuant to Fed. R. Civ. P. 12. Such motion shall be filed by **December 2, 2002**. Plaintiffs' response shall be filed by **January 17, 2003**. Defendants shall submit any reply by **February 3, 2003**.

**3. Interim Conference of Counsel.** Counsel shall confer as soon as possible regarding the possibility of settlement and the parties' desire for, and the timing of, a settlement conference.

Counsel shall also seek consensus with respect to the following:

- a) The plan for the initial phase of discovery, which shall be limited to the issue of the merits of the patent infringement lawsuits brought by Defendants.
- b) The schedule for discovery regarding class certification.

- c) The schedule for filing further dispositive motions and responses thereto.

**4. Preliminary Statements; Stipulations.** On or before **November 22, 2002**, Counsel shall submit:

- a) Preliminary statements of fact as directed in Order No. 2.
- b) Any stipulations regarding the items discussed during the interim conference of Counsel.

**5. Later Filed Cases.** This Order shall also apply to related cases later filed in, removed to, or transferred to this Court.

**BY THE COURT:**

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**BRUCE W. KAUFFMAN, J.**